

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 14-24 are pending in the application.

In the outstanding Office Action, the specification was objected to; Claims 14-24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-9 of U.S. Patent 6,545,983 in view of Lundsjo (U.S. Patent 6,473,442); and Claims 14-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Lundsjo.

The specification is amended as requested in the Official Action. No new matter is added.

Accompanying this response, Applicants have filed a Terminal Disclaimer relative to U.S. Patent No. 6,545,983. Thus, Applicants submit that the double patenting rejection is moot.

Briefly recapitulating Claim 1 is directed to a method for configuring a telecommunications system comprising a plurality of entities implementing a phase of communicating data conveyed by a plurality of transport channels. The entities comprise at least one sending entity and at least one receiving entity. A phase communication of the sending entity includes a plurality of processing procedures specific to the plurality of transport channels. Each processing procedure includes a rate matching step where said rate matching step executes a transformation of an input block of an initial size into an output block of a final size by at least one puncturing and repetition. The method includes a step of transmitting a parameter representative of a maximum puncture rate from the receiving entity to the sending entity. The method also includes a step of calculating by the sending entity, for each of the processing procedures, the final size of the output block as a function of the

initial size of the input block on a basis of a criterion. The criterion is dependent on the parameter transmitted by the step of transmitting. Some bits of the input block are punctured or repeated based on a variation between a final size and an initial size in the rate matching step.

Lundsjo describes a communication system and method for enabling the balancing and rate matching of different types of services used simultaneously by a mobile terminal. In Lundsjo the communications system 100 generally operates to signal a plurality of rate matching offset values from a network to a mobile terminal. Each rate matching offset value is a relative quality measure indicative of a difference of quality between the various services currently used by the mobile terminal. The mobile terminal (gearing uplink communications) or network (gearing down communications) operates to match the bit rates of a plurality of transport channels, each supporting a service to the bit rate of the physical channels supporting the multiplex services by using predefined rules and rate matching offset values. Thereafter, the mobile terminal (gearing down communications) or the network (gearing uplink communications) operates to mirror the previous matching using predefined rules and the rate matching offset values.<sup>1</sup>

However, Lundsjo does not disclose or suggest Applicant's claimed parameter representative of a maximum puncture rate. As defined Applicant's specification, parameters E and P are used for a rate matching procedure as described below. E corresponds to the ratio  $E_b/I$ , that is to say that if there are several qualities of service labeled 1, 2, ..., p, whose respective coefficients e are labeled  $E_1, E_2, \dots, E_p$ , then the ratios  $E_b/I$  of each quality of service will be in the same proportion as the coefficients  $E_i$ .<sup>2</sup> The ratio  $E_b/I$  gives the average energy of a bit with respect to the average energy of the interference.<sup>3</sup> The coefficient P corresponds to the maximum puncture rate which is admissible for a given quality of

---

<sup>1</sup> Lundsjo, column 2, line 65 – column 3, line 12.

<sup>2</sup> Specification, page 18, lines 8-12.

<sup>3</sup> Specification, page 4, lines 29-31.

service.<sup>4</sup> Thus Applicant's claimed parameter representative of a maximum puncture rate corresponds to parameter P described in the specification.

On the other hand, the rate matching offset value of Lundsjo corresponds to the parameter E described in Applicant's specification. That is, Lundsjo describes that "Each rate matching offset value can indicate the amount of rate matching required on a transport channel relative to the amount required on the reference transport channel. .... The desired differences in quality could be representative as differences in "energy per bit/noise" ( $E_b/N_0$ ) targets."<sup>5</sup> Lundsjo does not, however, describe a parameter representative of a maximum puncture rate as recited in Applicant's independent claims.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Lundsjo does not disclose or suggest all the features recited in Applicants' independent claims, Lundsjo does not anticipate the invention recited in Applicants' independent claims, and all claims depending therefrom.

---

<sup>4</sup> Specification, page 18, lines 13-14.

<sup>5</sup> Lundsjo, column 5, lines 28-51.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicant respectfully submits the present application is in condition for allowance and respectfully requests an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Michael E. Monaco  
Registration No. 52,041